

ADMINISTRATION AND FINANCE COMMITTEE

DATE: September 21, 2004

CALLED TO ORDER: 5:02 p.m.

ADJOURNED: 6:00 p.m.

ATTENDANCE

Attending Members

Jackie Nytes, Chairwoman
Vernon Brown
Becky Langsford
Lynn McWhirter
Joanne Sanders
Steve Talley

Absent Members

Lincoln Plowman

AGENDA

PROPOSAL NO. 481, 2004: approves a public purpose grant to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), on the educational access cable channels
"Do Pass" Vote: 5-0

PROPOSAL NO. 482, 2004: approves a public purpose grant to Indiana Reading and Information Service (IRIS) to provide radio reading programs for the blind and print-disabled in Marion County
"Do Pass" Vote: 5-0

PROPOSAL NO. 484, 2004: amends Sec. 291-112 of the Revised Code regarding the employee residence requirement
"Tabled" Vote: 6-0

PROPOSAL NO. 485, 2004: determines the need to lease approximately 5,400 square feet of office space at 5751-5827 West 73rd Street for the use of the Marion County Sheriff's Department
"Do Pass" Vote: 6-0

PROPOSAL NO. 486, 2004: approves an increase of \$300,000 in the 2004 Budget of the Marion County Recorder (Recorder's Perpetuation Fund) to cover salaries and fringes for the balance of 2004, after returning County General appropriations to the County General Fund

"Do Pass"

Vote: 5-0

PROPOSAL NO. 536, 2004: approves a public purpose grant (Cable Communications Agency) to Indiana University in the amount of \$50,000 for the purpose of financing educational access programming

"Do Pass"

Vote: 5-0

PROPOSAL NO. 537, 2004: approves an increase of \$2,050,000 in the 2004 Budget of the Department of Administration, Indianapolis Fleet Services Division, (Consolidated County Fund) to cover anticipated costs for motor fuels through the end of 2004, financed by fund balance

"Do Pass"

Vote: 6-0

ADMINISTRATION AND FINANCE COMMITTEE

The Administration and Finance Committee of the City-County Council met on Tuesday, September 21, 2004. Chairwoman Jackie Nytes called the meeting to order at 5:02 p.m., with the following members present: Vernon Brown, Becky Langsford, Lynn McWhirter, Joanne Sanders, and Steve Talley. Absent was Lincoln Plowman. Also present were Councillors Angela Mansfield and Earl Salisbury.

PROPOSAL NO. 481, 2004: approves a public purpose grant to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), on the educational access cable channels

Rick Maultra, Director of the Cable Communications Agency, asked if the committee would consider allowing Proposal Nos. 481, 482, and 536, 2004 to be heard together. Consent was given. Mr. Maultra said Proposal No. 481, 2004 is a public purpose grant that is derived from the Public Educational and Government (PEG) grant fund. The cable operators pay into this fund. The purpose of the PEG grant is to acquire capital equipment for PEG use. He said they are asking that the committee and the full Council approve the release of \$39,000 to allow for the purchase of television equipment.

PROPOSAL NO. 482, 2004: approves a public purpose grant to Indiana Reading and Information Service (IRIS) to provide radio reading programs for the blind and print-disabled in Marion County

Mr. Maultra said the grant for the IRIS program is \$39,000 from Character 03, Other Services and Charges, which is a yearly grant.

PROPOSAL NO. 536, 2004: approves a public purpose grant (Cable Communications Agency) to Indiana University in the amount of \$50,000 for the purpose of financing educational access programming

Mr. Maultra said the amount of \$50,000 in Proposal No. 536, 2004 is coming from Character 03, Other Services and Charges, to the ETC to provide funding for their operation. He said all these proposals were unanimously approved by the Marion County Cable Franchise Board and no tax dollars are involved as funding sources for these request.

Chairwoman Nytes asked for clarification on the funding amount in Proposal No. 481, 2004. Mr. Maultra said he received the amount of \$39,000 from his office manager, but if \$62,000 is in the committee members' documents then that is probably the correct dollar amount. He said any funding that is not spent will go back into Character 03. Chairwoman Nytes asked if there is any need to amend the proposal. Mr. Maultra replied in the negative.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 481, 2004, to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-0.

Councillor Sanders moved, seconded by Councillor McWhirter, to send Proposal No. 482, 2004, to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-0.

Councillor Talley moved, seconded by Councillor Sanders, to send Proposal No. 536, 2004 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-0.

[Clerk’s note: Councillor Langsford arrived at 5:10 p.m.]

PROPOSAL NO. 484, 2004: amends Sec. 291-112 of the Revised Code regarding the employee residence requirement

Councillor Talley asked to “Amend” Proposal No. 484, 2004 before Councillor Mansfield presents the proposal. Councillor Mansfield said the main purpose of the amendment (Exhibit A, attached) is to grandfather the currently waived employees to prevent disruption in the workforce.

Councillor Talley moved, seconded by Councillor Brown, to amend Proposal No. 484, 2004 as per Exhibit A. The motion carried by a vote of 6-0.

Councillor Mansfield said the purpose of this proposal is to provide accountability to Marion County taxpayers. In 1975 there was an ordinance passed that requires City and County employees (with certain exceptions) to be residents of Marion County. She said the ordinance states that if someone accepts employment in Marion County they have to move into the County within six months; and if an existing employee left the County their position would terminate at the end of the six months. The ordinance grandfathers those who were employees before August 15, 1977. She said there is an exception in this ordinance for police officers and firefighters (not civilians), due to State law. Councillor Mansfield said there are at least 150 employees, who live outside Marion County. She referred to a list of the employees’ job titles, start dates, and yearly salaries (Exhibit B). She said these 150 employees are getting paid by Marion County tax dollars, yet they are not committed to pay property tax, Marion County Income Taxes (COIT), etc. She said in her amendment she also changed the six-month job termination of an existing employee to one month (Proposal No. 484, 2004, Section 1, Item A) after they move outside of Marion County.

[Clerk's note: Exhibit B can be found with the original set of minutes in the Council office]

Councillor Talley asked if everyone on the list (Exhibit B) will be grandfathered into the proposal. Councillor Mansfield replied in the affirmative.

Councillor Langsford asked if an existing employee married a firefighter or police officer out of the County and lived with them, will this employee be grandfathered. Councillor Mansfield said under the existing ordinance and the proposed ordinance, the position would terminate.

Councillor Sanders asked if individuals have been terminated in the past under the current ordinance. Councillor Mansfield said she is unsure but it is her understanding that the City tracks those individuals that have not been waived. She said while researching this issue, she became aware that the existing law may not be monitored very well.

Councillor Brown asked why this proposal is coming before the Administration and Finance Committee. Chairwoman Nytes said the activities in both the City Administration Office and the County Human Resources Office where personnel are handled come before this committee. Councillor Brown asked if the 150 employees are broken down as to how many are from the City and County. Councillor Mansfield said approximately 136 employees are from the County and the remaining employees are from the City. Councillor Brown asked what the combined dollar amount of salaries of those employees living outside Marion County is. Councillor Mansfield said she did not add the salaries together.

Councillor McWhirter said she agrees with Councillor Mansfield in theory, but she does not believe this amended proposal is practical. She said she is uncomfortable with this ordinance because it segregates one portion of employees from another portion of employees (police officers and firefighters) in where they can reside. Councillor Mansfield said the residency requirement is not a change she is making; therefore, voting against this proposal will not change the existing ordinance.

Councillor Sanders asked if there has been any discriminatory suit regarding residency requirements in the existing ordinance. Councillor Mansfield said she did not do any research on law suits.

Councillor Brown asked if there was any reason why the existing ordinance is not being enforced now. Councillor Mansfield said the City and County use the provision to waive those employees who have special skills. She said some of the positions that are listed in Exhibit B do not require special skills.

Councillor Salisbury said the existing ordinance needs to be revisited from the stand point of whether or not it is being enforced, if it is even enforceable, and if it is worth upsetting citizens with the residency requirement.

Brenda Burke, Director of the Department of Administration, clarified that the City currently has six employees who live outside of the County. Chairwoman Nytes said the amount of out of County employees for the City is greater in Exhibit B. Councillor Mansfield said she received Exhibit B on August 12, 2004. Ms. Burke said she has never seen Exhibit B and the list of six employees was given September 7, 2004. She said the employees that are in the six-month window were not included in the list given September 7, 2004. Chairwoman Nytes asked what the procedure of follow-up is with those employees moving into the County. Ms. Burke said the employee receives several letters reminding them that they have to move into the County within the six-month period.

Chairwoman Nytes asked if they have lost potentially good employees due to the residency requirement. Collin Kebo, Human Resource Administrator, replied in the affirmative.

Chairwoman Nytes asked if other counties have residency requirements. Councillor Mansfield said the counties varied in requirements. She added that County Sheriffs have to reside in the County they work in.

Todd Tande, Chief Financial Officer, Department of Public Safety, a non-resident employee, said after doing research on this issue, he found that Indianapolis and Ft. Wayne are the only two cities in the state that have residency requirements. He said only 14 of the top 50 cities in the U.S. have residency requirements.

Terry Nelson, Chief Deputy, Auditor's Office, said the County has 136 employees that live outside of the County. He said they notify applicants prior to offers being made that they must be a Marion County resident within six months. He said the difference between the City and County is that there are elected officials and agency heads that make those hiring decisions and it is up to them to waive the residency requirement. Chairwoman Nytes asked if the County has a definition of what is considered specialized skills. Mr. Nelson replied in the negative.

Councillor McWhirter asked if agency heads are made aware when they have an employee that lives outside of the County. Mr. Nelson replied in the affirmative.

Councillor Sanders said a lot of questions have been raised without clear answers, and she believes that additional information is needed before voting on this proposal.

Councillor Sanders moved, seconded by Councillor McWhirter, to “Table” Proposal No. 484, 2004. The motion carried by a vote of 6-0.

PROPOSAL NO. 485, 2004: determines the need to lease approximately 5,400 square feet of office space at 5751-5827 West 73rd Street for the use of the Marion County Sheriff's Department

Steve Eichholtz, Attorney representing Marion County Sheriff's Department (MCSD), said the actual address of the new office space is 5755 W. 73rd Street. He said by state statute when a county agency enters a lease agreement one of the steps is to get approval from the City County Council with regards to the need for a lease. The potential office space will replace existing office space located at 7900 Rockville Road. He said they have negotiated terms of termination, and the potential new landlord will be paying the terms of termination. The monthly rental for the current lease that will be paid through January 2005 is \$5,936 and the debt increase is \$264,011. The potential space is \$10 a square foot and will be \$4,500 a month. He said they have already budgeted funds for the new lease and will not be seeking any new revenue source. They plan to expand additional office space at Turtle Creek with any remaining funds.

Councillor Brown asked how long the lease agreement is. Mr. Eichholtz said the lease is for five years with a five-year option to renew. Councillor McWhirter asked if there is a reason they could not find a location on the Westside. Herman Humbles, Deputy Chief, MCSD, said it was difficult to find office space that meets their budget requirements on the Westside. They also wanted to stay close to the interstate to better serve the public.

Chairwoman Nytes asked if the build-out would be in the rent payment. Mr. Eichholtz said they have an allowance with the landlord in terms of the build-out and will not be paying anything. Chairwoman Nytes asked what the expiration on the existing lease is. Mr. Eichholtz said they have three years remaining in their five year option lease. Chairwoman Nytes asked if there would be a lot of MCSD vehicles in and out of the facility. Chief Humbles said there will be about 13 unmarked vehicles and some marked vehicles if other law enforcement brings a suspect to the office. Chairwoman Nytes asked if the owner of the property has a relationship with anyone involved with the lease. Mr. Eichholtz replied in the negative.

Councillor Talley moved, seconded by Councillor Brown, to send Proposal No. 485, 2004, to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 486, 2004: approves an increase of \$300,000 in the 2004 Budget of the Marion County Recorder (Recorder's Perpetuation Fund) to cover

salaries and fringes for the balance of 2004, after returning County General appropriations to the County General Fund

[Clerk's note: Councillor Brown left at 5:42 p.m.]

Chairwoman Nytes reminded committee members that they agreed to be supportive to the County Recorder in reallocating those expenditures to the Perpetuation Fund.

Dale Brewer, Chief Deputy, County Recorder's Office, said they are asking to appropriate funds from the Recorder's Perpetuation Fund to finish out their salaries and benefits for the rest of the year.

Councillor McWhirter moved, seconded by Councillor Talley, to send Proposal 486, 2004, to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

PROPOSAL NO. 537, 2004: approves an increase of \$2,050,000 in the 2004 Budget of the Department of Administration, Indianapolis Fleet Services Division, (Consolidated County Fund) to cover anticipated costs for motor fuels through the end of 2004, financed by fund balance

Ron Stinson, representing Indianapolis Fleet Services (IFS), read from Exhibit C (attached).

Councillor McWhirter asked if the \$28 million was included before the fund balance was deducted. Barbara Lawrence, City Controller, replied in the affirmative and said the second half projections would be about \$1.8 million, and the remaining amount will come from fund balance. She said they are coming forth with a budget reduction ordinance for the next Council meeting that will identify the balance between \$1.8 million and the \$2.05 million through Character 03, Other Services and Charges.

[Clerk's note: Councillor Brown returned at 5:53 p.m.]

Councillor Sanders asked if this includes the MCSD fuel charges. Mr. Stinson said this appropriation is based upon their expectations for the remainder of the year, and that includes the MCSD.

Councillor McWhirter asked if the \$1 million that is going to be asked for in the Public Safety and Criminal Justice Committee meeting is a part of this proposal. Ms. Lawrence said some of the funds will be used to pay off amounts MCSD owes the City.

Councillor Sanders moved, seconded by Councillor Talley, to send Proposal No. 537, 2004, to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 6-0.

CONCLUSION

With no further business pending, and upon motion duly made, the Administration and Finance Committee of the City-County Council was adjourned at 6:00 p.m.

Respectfully submitted,

Jackie Nytes, Chairwoman
Administration and Finance Committee

JN/as